

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON**

In re

JESSE C MERTEN  
KELLIE M MERTEN

) Case No. 324-30902-DWH13  
)  
) Confirmation hearing date: May 23, 2024  
)  
) **TRUSTEE'S OBJECTION TO**  
) **CONFIRMATION AND MOTION**  
Debtor(s). ) **TO DISMISS**

Wayne Godare, the Standing Chapter 13 Trustee Objects to Confirmation of the above case for the reason(s) set out below:

- \_\_\_\_\_ a. Plan is not feasible:
- \_\_\_\_\_ b. Case/Plan is not proposed in good faith or is forbidden by law:
- \_\_\_\_\_ c. Plan does not commit all of debtor's excess projected disposable income pursuant to 11 U.S.C. §1325(b)(1)(B) for the applicable commitment period:
- \_\_\_\_\_ d. Plan does not meet the best interest test of 11 U.S.C. §1325(a)(4):
- X** e. Filing/documentation is deficient: **as requested at the §341(a) hearing, please provide the Trustee with:**
- 1. A true copy of the Debtors' 2023 Federal and State Tax Returns; and**
  - 2. Please provide the Trustee with documentation outlining the agreement between the Debtors and Mrs. Mertens parents as to the down payment for the residence.**
- X** f. Other: **as requested at the §341(a) hearing, please make the following changes to the Plan:**
- 1. ¶3(c) strike "2023-2027" and replace with "2024, 2025, 2026, 2027 and 2028";**
  - 2. ¶4(h) strike "72,921" and replace with "222,623"**
  - 3. Add a Plan provision for the secured claim filed by FreedomRoad Financial; and**
  - 4. Add a Plan provision for the secured claim filed by Les Schwab.**

If by the time of the scheduled confirmation hearing, debtor fails to take all necessary steps to satisfy each objection marked above, or is not prepared to address the Trustee's objections with the filing of an amended plan as directed by the court during that scheduled confirmation hearing, the Trustee may, in his discretion, urge the court for an order dismissing the case without further notice.

I certify that on May 15, 2024, copies of the above Objection and Motion were served on the debtor(s) by first class mail and any debtor(s) attorney by ECF.

DATED: May 15, 2024

/s/ Wayne Godare, Trustee

MICHAEL D O'BRIEN  
(mk)